

## Notice of Allowability

Application No.

10/550,824

Applicant(s)

HIRANO ET AL.

Examiner

Khiem D. Nguyen

Art Unit

2823

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on September 14<sup>th</sup>, 2007.
2. ☒ The allowed claim(s) is/are 10-25.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

K.N.  
November 20<sup>th</sup>, 2007

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Declaration under 37 CFR 1.132 filed September 14<sup>th</sup>, 2007 is sufficient to overcome the rejection of claims 10-25 based upon Hirano et al. (JP Pub. 2003057111).

### ***Allowable Subject Matter***

2. Claims 10-25 are allowed over prior art of record.

### ***Reasons For Allowance***

3. The following is an examiner's statement of reasons for allowance:

After further search and consideration of Applicants' response filed on September 14<sup>th</sup>, 2007 (see Applicants' response in Page 2 of the September 14<sup>th</sup>, response), it is determined that the prior art of record neither anticipates nor renders obvious the claimed subject matter of the instant application as a whole taken alone or in combination, in particular, prior art of record does not teach "wherein said filter device includes a first interference filter structure comprised of a plurality of light transmitting layers stacked on each other, the first interference filter structure being deposited on a face of the colored glass filter; said light receiving device includes a semiconductor photodetector structure having one or more semiconductor layers, a light receiving area being formed in the one or more semiconductor layers within the semiconductor photodetector structure, and the one or more semiconductor layers forming the semiconductor

photodetector structure contain  $\text{In}_x\text{Al}_y\text{Ga}_{1-x-y}\text{N}$  ( $0 \leq x \leq 0.21$ ,  $0 \leq y \leq 1$ ), as recited in independent claim 10.

Claims 11-25 also allowed as being directly or indirectly dependent of the allowed independent base claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.
  - Jung et al. (U.S. Patent 6,069,353) discloses a polymer photodetector having resonant wavelength.
  - Khan et al. (U.S. Patent 5,182,670) discloses a filter device of at least two layers.
  - Fan et al. (U.S. Patent 7,183,598) discloses an ordered microelectronics fabrication sequence in which color filters are formed by conformal deposition directly onto a photodetector array of a CCD, CID, or CMOS imaging device.
  - Assadi et al. (U.S. Patent 6,665,014) discloses an array of photosensitive devices.

- Assadi et al. (U.S. Patent 6,194,704) discloses an photosensitive device formed with a diffractive lens.

However, the prior art fail to anticipated or render obvious the claimed limitation of the instant application as recited in independent claim 10 either taken alone or in combination.

*Correspondence*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khiem D. Nguyen whose telephone number is (571) 272-1865. The examiner can normally be reached on Monday-Friday (8:30 AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

K.N.,  
November 20, 2007

  
W. DAVID COLEMAN  
PRIMARY EXAMINER